

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

BUREAU OF CONSUMER FINANCIAL
PROTECTION,

Plaintiff,

v.

PROGREXION MARKETING, INC., et al.

Defendants.

Case No. 2:19-CV-00298-BSJ

**Notice of Suggestion on Pendency of
Bankruptcy for PGX Holdings, Inc., *et al.*, and
Automatic Stay of Proceedings**

**NOTICE OF SUGGESTION ON PENDENCY OF BANKRUPTCY FOR PGX
HOLDINGS, INC., *ET AL.*, AND AUTOMATIC STAY OF PROCEEDINGS**

PLEASE TAKE NOTICE that, on June 4, 2023, PGX Holdings, Inc. and certain of its affiliates (collectively, the “Debtors”)¹ filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “Bankruptcy Code”), in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”). The Debtors’ chapter 11 cases are pending before the Honorable Judge Craig T. Goldblatt, United States Bankruptcy Judge, and are being jointly administered under the lead case *In re PGX Holdings, Inc.* Case No. 23-10726-CTG (collectively, the “Chapter 11 Cases”).

PLEASE TAKE FURTHER NOTICE that pursuant to section 362(a) of the Bankruptcy Code, the Debtors’ filing of their respective voluntary petitions gives rise to a stay

¹ The Debtors in these chapter 11 cases, along with the last four digits of each debtor’s federal tax identification number, are: PGX Holdings, Inc. (2510); Credit Repair UK, Inc. (4798); Credit.com, Inc. (1580); Creditrepair.com Holdings, Inc. (7536); Creditrepair.com, Inc. (7680); eFolks Holdings, Inc. (5213); eFolks, LLC (5256); John C. Heath, Attorney At Law PC (8362); Progexion ASG, Inc. (5153); Progexion Holdings, Inc. (7123); Progexion IP, Inc. (5179); Progexion Marketing, Inc. (5073); and Progexion Teleservices, Inc. (5110). The location of the Debtors’ service address for purposes of these chapter 11 cases is: 257 East 200 South, Suite 1200, Salt Lake City, Utah 84111.

(the “Automatic Stay”), applicable to all entities, of, among other things: (a) the commencement or continuation of any judicial, administrative, or other action or proceeding against the Debtors (i) that was or could have been commenced before the commencement of the Chapter 11 Cases or (ii) to recover a claim against the Debtors that arose before the commencement of the Chapter 11 Cases; (b) the enforcement, against any of the Debtors or against any property of each of the Debtors’ bankruptcy estates, of a judgment obtained prior to the commencement of the Chapter 11 Cases; and (c) any act to obtain possession of property of or from any of the Debtors’ bankruptcy estates, or to exercise control over property of any of the Debtors’ bankruptcy estates.² No order has been entered in the Chapter 11 Cases granting relief from the Automatic Stay.

PLEASE TAKE FURTHER NOTICE that pursuant to section 362(b)(4) of the Bankruptcy Code, the Automatic Stay does not apply to the commencement or continuation of an action or proceeding by a governmental unit, among others, to enforce such governmental unit’s police and regulatory power, including the enforcement of a judgment other than a money judgment, obtained in an action or proceeding by the governmental unit to enforce such governmental unit’s police or regulatory power. The Debtors believe the case filed by the Consumer Financial Protection Bureau on May 2, 2019 against certain Debtors in the United States District for the District of Utah, styled *Bureau of Consumer Financial Protection v. Progrexion Marketing, Inc., et al.*, Case No. 2:19-CV-00298-BSJ, is excepted from the Automatic Stay as and to the extent set forth in section 362(b)(4) of the Bankruptcy Code.

PLEASE TAKE FURTHER NOTICE that additional information regarding the status of the Debtors’ chapter 11 cases may be obtained by (i) reviewing, free of charge, the docket of

² Nothing herein shall constitute a waiver of the Debtors’ rights to assert any claims, counterclaims, defenses, rights of setoff or recoupment, or any other claims against any party to the above-captioned cases. The Debtors expressly reserve all rights to contest any claims that may be asserted against the Debtors.

the Debtors' chapter 11 cases on the website of the Debtors' claims and noticing agent, Kurtzman Carson Consultants LLC, at www.kccllc.net/PGX or by calling (888) 249-2721 (toll free) or (310) 751-2604 (international), (ii) visiting the Court's website at <https://ecf.deb.uscourts.gov/> (PACER login and password required) in accordance with the procedures and fees set forth therein, or (iii) contacting any of the following proposed counsel for the Debtors: (a) Domenic E. Pacitti and Michael W. Yurkewicz, Klehr, Harrison Harvey Branzburg LLP, 919 North Market Street, Suite 1000, Wilmington, Delaware 19801, Telephone: (302) 426-1189; Morton R. Branzburg, 1835 Market Street, Suite 1400, Philadelphia, Pennsylvania 19103, Telephone: (215) 569-3007 or (b) Joshua A. Sussberg, P.C., Kirkland & Ellis LLP, 601 Lexington Ave, New York, New York 10022, Telephone: (212) 446-4800; Spencer Winters, Whitney C. Fogelberg, and Alison J. Wirtz 300 North LaSalle, Chicago, Illinois 60654, Telephone: (312) 862-2000.

Dated: June 5, 2023

Respectfully submitted,

/s/ Edward J. Bennett

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of June, 2023, I caused a true and correct copy of the foregoing to be filed on the CM/ECF system, which will send notification of such filing to all parties and counsel in this case.

Dated: June 5, 2023

/s/ Atticus DeProspo

Atticus DeProspo